

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2701) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2010 FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES OF THE UNITED STATES GOVERNMENT, THE COMMUNITY MANAGEMENT ACCOUNT, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND FOR OTHER PURPOSES

JULY 8, 2009.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 618]

The Committee on Rules, having had under consideration House Resolution 618, by a record vote of 8 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2701, the “Intelligence Authorization Act for Fiscal Year 2010,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and

shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The resolution provides for the reporting to the House of the amendment in the nature of a substitute, as amended, and the ordering of the previous question on the bill and amendments except one motion to recommit with or without instructions. It provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or a designee. It provides that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 of rule XXI) includes prophylactic waivers of (1) section 302(f) of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority) because the total budget authority authorized in the bill is classified and therefore unavailable; and (2) clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for review. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

The waiver of all points of order against the committee amendment in the nature of a substitute includes a waiver of: (1) clause 7 of rule XVI (regarding germaneness); and (2) a prophylactic waiver of clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for review. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 184

Date: July 8, 2009.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #24, which would require the CIA to publicly release unclassified versions of Memoranda for the Record memorializing briefings made to Members of Congress on the use of enhanced interrogation techniques

and of intelligence products assessing the information gained from detainee reporting, including documents dated July 15, 2004, or June 1, 2005.

Results: Defeated 2–8.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Slaughter—Nay.

Rules Committee record vote No. 185

Date: July 8, 2009.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #17, which would prohibit the use of funds in the bill for the transfer of individuals detained at Guantanamo Bay to the United States or its territories.

Results: Defeated 2–8.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Slaughter—Nay.

Rules Committee record vote No. 186

Date: July 8, 2009.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Blunt (MO), #8, which would provide that no funds authorized may be used to make a payment to a foreign nation as compensation for the relocation to such foreign nation of a detainee held on or after February 20, 2009, at Naval Station, Guantanamo Bay, Cuba, by the Defense Department.

Results: Defeated 2–8.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Slaughter—Nay.

Rules Committee record vote No. 187

Date: July 8, 2009.

Measure: H.R. 2701.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Thornberry (TX), #23, which would strike section 321 (Congressional Oversight of Intelligence Activities) and replace it with the language from the last Congress expanded to cover both reporting of covert actions and non-covert actions.

Results: Defeated 2–8.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Slaughter—Nay.

Rules Committee record vote No. 188

Date: July 8, 2009.

Measure: H.R. 2701.

Motion by: Mr. Hastings.

Summary of motion: To report the rule.

Results: Adopted 8–2.

Vote by Members: Hastings—Yea; Matsui—Yea; Cardoza—Yea; Arcuri—Yea; Perlmutter—Yea; Pingree—Yea; Polis—Yea; Dreier—Nay; Diaz-Balart—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Reyes (TX) Would correct a dollar figure in section 104 to comport with the amount listed in the classified Schedule of Authorizations, instruct the FBI to consult with the Secretary of State in the drafting of a study on U.S. law enforcement in foreign countries, and provide that the President must submit a plan on Guantanamo Bay detainees to Congress (not just the congressional defense committees). (10 minutes)

2. Mike Rogers (MI) Would add sense of Congress language honoring those in the U.S. intelligence community. (10 minutes)

3. Langevin (RI) Would require the Director of National Intelligence to conduct a study and report to Congress on the cyberoperations workforce of the intelligence community, including assessments on workforce capabilities, recruiting, retention, and professional development, as well as strategies to collaborate with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks. The President may submit a certification to Congress that the objectives of the strategies have been met. (10 minutes)

4. Castle (DE)/Lynch (MA) Would require the President, through the Treasury Secretary, to submit the report to Congress on terrorism financing required under section 6303(a) of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458). (10 minutes)

5. Hinchey (NY) Would instruct the Director of National Intelligence to submit a report on information in the possession of the intelligence community with regard to the human rights violations of the Argentine military government from the mid-1970's until the mid-1980's. It also would instruct the inclusion of an appendix of declassified documents used for the report and authorize the inclusion of a classified annex. (10 minutes)

6. Kirk (IL)/Ron Klein (FL) Would require the Director of National Intelligence to submit to Congress a National Intelligence Estimate on (1) the production and sale of narcotics in support of international terrorism by Mexican drug cartels, and (2) operations outside of the United States that support major drug production or sale operations inside the United States. (10 minutes)

7. Andrews (NJ) Would express the sense of Congress that the Director of National Intelligence should encourage foreign nations to increase penalties for unlawfully transporting nuclear material and that foreign nations should share information with the United States regarding the amount of nuclear material produced, secured, and unsecured by such foreign nations. (10 minutes)

8. Welch (VT) Would amend a study to be done by the Director of National Intelligence on the feasibility of employing those who served as interpreters or translators for the U.S. military or government in Iraq or Afghanistan by broadening the study to include

those who served as interpreters or translators for U.S.-based media outlets and are lawfully in the United States. (10 minutes)

9. Childers (MS) Would require that a report to Congress under the National Security Act include information on the chemical and biological weapons programs of Iran, Syria, and North Korea. (10 minutes)

10. Boccieri (OH) Would require the DNI to report to Congress on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies. (10 minutes)

11. Giffords (AZ) Would require the Director of National Intelligence to report to Congress on the contravention of United Nations sanctions with respect to Iran and the involvement of Iran in terrorist financing and money laundering. (10 minutes)

12. Larry Kissell (NC) Would require NSA to report to Congress on the strategy of the National Security Agency for securing the Department of Defense's networks within the intelligence community. (10 minutes)

13. Kosmas (FL) Would require a report by the Director of National Intelligence on the steps the Coast Guard has taken to ensure that intelligence information related to maritime and port security is effectively disseminated to local port authorities. (10 minutes)

14. Betsy Markey (CO) Would require the reports on nuclear weapons programs of Iran, Syria, and North Korea to include a summary of any intelligence regarding persons or organizations providing assistance, capabilities, intelligence, or materials to further develop nuclear weapons programs in each country. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REYES OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, line 21, strike "\$672,812,000" and insert "\$643,252,000".

Page 69, line 5, strike "Federal Bureau of Investigation" and insert "Federal Bureau of Investigation, in consultation with the Secretary of State,".

Page 86, line 11, strike "the congressional defense committees" and insert "Congress".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 504 (page 135, after line 12) the following new section:

SEC. 505. SENSE OF CONGRESS HONORING THE MEN AND WOMEN OF THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) United States intelligence agencies are actively combating hostile regimes and terrorists who plot to kill Americans or harm the interests of the United States around the world.

(2) Through robust interagency teamwork, collaboration with international partners, and ever more effective tools and tactics, the intelligence community of the United States is keeping America safe.

(3) The tireless efforts of the intelligence community are making a difference in the lives of United States citizens, as evidenced by the announcement on May 20, 2009, of disruption of a plot by radical Jihadist terrorists in New York to bomb religious sites and shoot down airplanes.

(4) Keeping terrorists, extremists, and radical Jihadists from freely operating in our country, where they undermine American values and threaten families, schools, and communities, must continue to be an utmost national priority.

(5) The men and women of the intelligence community are professionals, who, while either at home or across the globe and away from family, execute a critical mission with quiet dedication and without the luxury or need of public recognition, and continue to display selfless service in protecting the United States and the American people.

(b) SENSE OF CONGRESS.—Congress—

(1) honors the brave men and women of the intelligence community of the United States whose tireless and selfless work has protected America from a terrorist attack for the past eight years;

(2) recognizes the tireless work, dedication, and commitment that have allowed the intelligence community to thwart many attacks directed against the United States and allies of the United States;

(3) expresses great pride that the intelligence community stands ever vigilant to protect the United States; and

(4) acknowledges that the intelligence community, the allies of the United States, and all those who seek to cooperate with the United States for justice, hope, and a better life must know that the intelligence community has the full faith and confidence of the American people and their elected representatives in Congress.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. STUDY AND REPORTS ON CYBERSECURITY PERSONNEL.

(a) STUDY.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study on the cyberoperations workforce of the intelligence community. Such study shall include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation; and

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the Federal Government. Such plan shall include strategies for—

(A) securing the networks of the Federal Government from unauthorized remote access, intrusion, or insider tampering;

(B) recruiting, retaining, and training a highly-qualified cybersecurity workforce;

(C) making the Federal workforce and the public aware of cybersecurity best practices and principles;

(D) coordinating the Federal Government response to a cybersecurity incident;

(E) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks; and

(F) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the United States.

(2) UPDATES.—Not later than 90 days after the date on which the plan referred to in paragraph (1) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in paragraph (3), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(3) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in paragraph (1) have been achieved.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3750).

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINCHEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the appropriate place in the bill, insert the following new section:

SEC. ____ . REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. NATIONAL INTELLIGENCE ESTIMATES ON PRODUCTION AND SALE OF NARCOTICS IN SUPPORT OF INTERNATIONAL TERRORISM.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on—

- (1) the production and sale of narcotics in support of international terrorism by Mexican drug cartels; and
- (2) operations outside of the United States that support drug production or sale operations inside the United States by such drug cartels.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 406 (page 116, after line 6) the following new section:

SEC. 407. SENSE OF CONGRESS REGARDING NUCLEAR MATERIAL IN FOREIGN NATIONS.

It is the Sense of Congress that the Director of National Intelligence should encourage foreign nations to—

- (1) increase the penalties for unlawfully transporting loose nuclear material; and
- (2) share with the United States information regarding the amount of nuclear material produced, secured, and unsecured by such foreign nations.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, beginning on line 22, strike “interpreters” and all that follows through “Afghanistan” and insert the following: “interpreters in Iraq or Afghanistan for the Armed Forces, another department or agency of the Federal Government, or a media outlet based in the United States”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHILDERS OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 333 (page 41, after line 7) add the following new subsection:

(c) INCLUSION OF CHEMICAL AND BIOLOGICAL WEAPONS IN INITIAL REPORT.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall include information on the chemical and biological weapons programs of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People’s Republic of Korea.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOCCIERI OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIFFORDS OF ARIZONA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REPORT ON CONTRAVENTION OF UNITED NATIONS SANCTIONS WITH RESPECT TO IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the contravention of United Nations sanctions with respect to Iran and the involvement of Iran in terrorist financing and money laundering.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KISSELL OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOSMAS
OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 (page 69, after line 15) the following new section:

**SEC. 355. REPORT ON INTELLIGENCE INFORMATION RELATED TO
MARITIME AND PORT SECURITY.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the steps taken by the Coast Guard to ensure that intelligence information related to maritime and port security is properly and effectively disseminated to local port authorities.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY
OF COLORADO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 40, line 7, strike “and”.

Page 40, after line 7, insert the following:

“(4) a summary of any intelligence regarding persons or organizations providing assistance, capabilities, intelligence, or materials to further develop nuclear weapons programs in each country; and

Page 40, line 8, strike “(4)” and insert “(5)”.